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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,592	01/23/2002	Kenneth Deh-Lee	10015906-1	4692

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EXAMINER

WASSUM, LUKE S

ART UNIT PAPER NUMBER

2177

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/056,592

**Applicant(s)**

DEH-LEE, KENNETH

**Examiner**

Luke S. Wassum

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The Applicants' Information Disclosure Statement, filed 23 January 2002, has been received and entered into the record. Since the Information Disclosure Statement complies with the provisions of MPEP § 609, the references cited therein have been considered by the examiner. See attached form PTO-1449.

### *The Invention*

2. The claimed invention is a system for allowing a user to query a database of experts, wherein each expert has corresponding attributes, and wherein the user query comprises weighted attributes, and wherein a ranked list of experts fulfilling the user's requirements is returned.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 1, the use of the term 'substantially' when referring to the real-time nature of the invention renders the claim indefinite, since it is not possible to ascertain the meets and

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bounds of the patent protection sought. It would not be possible for an ordinary artisan to determine whether a similar invention infringed claim 1, since it is not possible to know what exactly constitutes '*substantially* in real-time'.

6. Claims 2-16, incorporating the deficiency of parent claim 1, are likewise rejected.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1, 3-9, 15-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent 5,862,223) in view of Chao et al. (U.S. Patent 6,325,632).

10. Regarding claim 1, **Walker et al.** teaches a method of identifying relevant experts substantially in real-time using a search request from a user substantially as claimed, comprising:

- a) maintaining an updateable and searchable database of expert profiles, wherein the profiles include attributes of a particular expert (see disclosure of expert database, col. 14, lines 25-41; see also expert qualifications database, col. 14, line 66 through col. 15, line 9); see also expert database 255 and expert qualifications database 285 in Figure 2); and
- b) receiving a search request from the user (see disclosure of user request, col. 17, lines 13-35).

**Walker et al.** does not explicitly teach a method including applying a weight designated by the user to the attributes of a desired expert.

**Chao et al.**, however, teaches a method including applying a weight designated by the user to the attributes of a desired expert (see col. 5, lines 32-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to allow a user to weight the attributes, since this would allow the user to customize the search based upon which attributes were most important to him/her, stressing those attributes while placing less emphasis on attributes which are preferred, but are not viewed as very important to the user (see col. 5, lines 32-41).

11. Regarding claim 17, **Walker et al.** teaches a system for searching for experts having particular attributes substantially as claimed, comprising:

- a) a searchable and updateable database of expert information, wherein said database comprises a plurality of expert profiles, each of said profiles including data relating to one or more attributes of a particular expert (see disclosure of expert database, col. 14, lines 25-41; see also expert qualifications database, col. 14, line 66 through col. 15, line 9; see also method for updating expert database, col. 17, line 36 through col. 18, line 30); and
- b) a user interface for allowing users to identify desired characteristics of a desired expert (see disclosure of user request, col. 17, lines 13-35).

**Walker et al.** does not explicitly teach a system including applying a weight designated by the user to the attributes of a desired expert.

**Chao et al.**, however, teaches a system including applying a weight designated by the user to the attributes of a desired expert (see col. 5, lines 32-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to allow a user to weight the attributes, since this would allow the user to customize the search based upon which attributes were most important to him/her, stressing those attributes while placing less emphasis on attributes which are preferred, but are not viewed as very important to the user (see col. 5, lines 32-41).

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12. Regarding claims 3, 6 and 9, **Walker et al.** additionally teaches a method wherein the attribute is the expert's availability, available time until a next assignment and available travel speed (see disclosure of availability standards as an expert attribute, col. 14, lines 27-28).

13. Regarding claim 4, **Walker et al.** additionally teaches a method wherein the database automatically updates the expert's availability (see disclosure that when an expert is available to answer a question, he logs into the Exchange, and the Exchange subsequently routes any pertinent open job requests to the expert for consideration, col. 8, lines 29-32).

14. Regarding claim 5, **Walker et al.** additionally teaches a method wherein the attribute is the expert's area of knowledge (see disclosure of the contents of the expert qualifications database, col. 14, line 66 through col. 15, line 9).

15. Regarding claim 7, **Walker et al.** additionally teaches a method wherein the attribute is the expert's proximity to the user (see disclosure that one expert attribute is location, col. 15, line 3).

16. Regarding claim 8, **Walker et al.** additionally teaches a method wherein the attribute is the expert's available contact method (see disclosure that one expert attribute is contact method (see col. 14, lines 32-38)).

17. Regarding claims 15 and 16, **Walker et al.** additionally teaches a method wherein the profile is able to be created and updated by the expert (see method for creating and updating expert database, col. 17, line 36 through col. 18, line 30).

18. Regarding claim 18, **Walker et al.** additionally teaches a system further comprising a processor for comparing a user's desired expert characteristics to the attributes stored in each of said expert profiles (see disclosure of search based upon submitted user request, col. 20, lines 28-49).

19. Regarding claim 19, **Walker et al.** additionally teaches a system further comprising a display for displaying to the user a list of experts that fit one or more of the user's desired characteristics (see col. 20, lines 42-43).

20. Regarding claim 21, **Walker et al.** additionally teaches a system wherein a user interfaces with the database via remote wireless or wireline Internet connection (see disclosure of interface methods, col. 15, lines 21-42).

21. Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632) as applied to claims 1, 3-9, 15-19 and 21 above, and further in view of **Henderson et al.** (U.S. Patent 5,544,049).

22. Regarding claims 2 and 20, **Walker et al.** and **Chao et al.** teach a method substantially as claimed, including searching the database using the search request (see **Walker et al.**, disclosure of search based upon submitted user request, col. 20, lines 28-49), and wherein the search uses a ranking algorithm based upon the submitted user weights (see **Chao et al.**, col. 5, lines 42-47).

Neither **Walker et al.** nor **Chao et al.** explicitly teaches a method wherein a ranked list of experts is displayed to the user.

**Henderson et al.**, however, teaches a method wherein a ranked list of search results is displayed to the user (see col. 3, lines 24-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to display a ranked list of search results to the user, since this would ease the burden on the user to peruse a possibly extensive list of matching results, and furthermore since it would be obvious to display results in the order of best match to worst match, so that the user can easily see and select the result which best matched the request.

23. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632) in view of **Henderson et al.** (U.S. Patent 5,544,049) as applied to claims 2 and 20 above, and further in view of **keen.com** ("web pages").

24. Regarding claim 10, **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632) in view of **Henderson et al.** teach a method substantially as claimed.

None of **Walker et al.**, **Chao et al.** nor **Henderson et al.** explicitly teach a method wherein the user is automatically connected to a selected expert by interfacing with the expert's name as it appears on the displayed list.

**keen.com**, however, teaches a method wherein the user is automatically connected to a selected expert by interfacing with the expert's name as it appears on the displayed list (see the 'Call Now' icon in the list of experts, pages 3-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the ability to automatically connect a user to a selected expert, since this would be the quickest method of establishing a connection between the user and expert, thus expediting the process.

25. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632) in view of **Henderson et al.** (U.S. Patent 5,544,049) as applied to claims 2 and 20 above, and further in view of **Lauffer** (U.S. Patent 6,223,165).

26. Regarding claims 11-14, **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632) in view of **Henderson et al.** teach a method substantially as claimed.

None of Walker et al., Chao et al. nor Henderson et al. explicitly teach a method wherein a user has the ability to select which contact medium to use for contacting a selected expert, including telephone and email.

Lauffer, however, teaches a method wherein a user has the ability to select which contact medium to use for contacting a selected expert, including telephone and email (see col. 9, lines 5-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a variety of contact mediums to the user, since this provides flexibility to the user and the expert, and makes accommodations for the user's and expert's immediate availability.

### *Conclusion*

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Clark et al. (U.S. Patent 5,164,897) teaches an automated method for selecting qualified personnel.

Dworkin et al. (U.S. Patent 6,026,148) teaches a computer-based system facilities exchange of information between users and expert respondents.

Puram et al. (U.S. Patent 6,289,340) teaches a system for selecting a candidate from a pool of candidates to fill a position based on skills held by the candidate, skills desired for the position, and the priority of the skills for the position.

Chidlovskii et al. (U.S. Patent 6,327,590) teaches a system for ranking search results obtained from an information retrieval system.

**Mears et al.** (U.S. Patent 6,438,580) teaches an interactive knowledge system.

**Stephanou** (U.S. Patent 6,505,166) teaches a system for assigning an expert to a request for assistance.

**Stephanou** (U.S. Patent 6,507,821) teaches a system for assigning an IT expert to a request for assistance.

**Stephanou** (U.S. Patent 6,513,013) teaches a system for assigning an expert to a request for assistance including real time interaction.

**Lauffer** (U.S. Patent 6,523,010) teaches a method of facilitating the delivery of advice to consumers.

**Slater et al.** (U.S. Patent 6,526,404) teaches a system for providing to a user who makes a request for information an answer to that request.

**Lauffer** (U.S. Patent 6,546,372) teaches a method of facilitating the delivery of advice to consumers.

**Lauffer** (U.S. Patent 6,549,889) teaches a method of facilitating the delivery of advice to consumers.

**Jacob et al.** (U.S. Patent 6,636,590) teaches a method for specifying and obtaining services through voice commands via a voice portal.

**Joao** (U.S. Patent 6,662,194) teaches a method of providing recruitment information for at least one of a job opening, a position, an assignment, a contract, or a project.

**Information Advisor** ("Expert Databases") teaches one method for linking people to people is through the use of expert databases, i.e., electronic links to knowledgeable people.

**Schumacher et al.** ("Tracking Down Experts with Online Resources") teaches the practice of locating experts, specialists and expert witnesses through the use of databases and the Internet.

**Ackerman et al.** ("Answer Garden 2: Merging Organizational Memory with Collaborative Help") teaches a collaborative solution to the problem of providing help to distributed users.

**Sairamesh et al.** ("NetBazaar: Networked Electronic Markets for Trading Computation and Information Services") teaches the design and implementation of a distributed, federated electronic trading system for buying and selling network resources, services and information products and services distributed across the Internet.

**Dalton** ("Rent-An-Expert on the Web – Services Let Users Hire Help to Answer Specific Questions") teaches the debut of innovative labor markets popping up on the Internet which allow people to hire experts for a few minutes to answer questions on a specific topic.

**Lyons** ("Know-It-Alls: Web Sites and Services that Provide Advice to People") teaches companies that provide people with access to experts in various areas of knowledge.

**Willmott** ("Ask An Expert") teaches the evolution of web sites for asking and answering questions to a site where the questions are answered by true professionals for a fee.

**PR Newswire** ("New Internet Startups – 'Ebay's for Information – to Generate \$6B of Direct Information Exchange by 2005") teaches the emerging market for consumer knowledge traded over the Internet.

**Kelsey** ("Study – Info Exchanges Next 'Killer' Net App") teaches that information exchanges using real, live people to answer Web surfers' questions will revolutionize the search engine and monetize the online bulletin board.

**Pack** ("Human Search Engines: The Next Killer App?") teaches that human search engines, online advisors, knowledge networks, interactive Q&A, people portals have been multiplying on the Web.

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O'Brien ("Shopping for Information – In the Post e-Commerce World, Advice May Be What Visitors Will Pay For") teaches the emerging market of information sites.

Business Wire ("InfoRocket Changes Name to LiveAdvice; Identity Change Reflects New Patented Telephone Platform") is a press release announcing the new services available from LiveAdvice™.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 703-305-5706. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 703-746-5658.

Customer Service for Tech Center 2100 can be reached during regular business hours at (703) 306-5631, or fax (703) 746-7240.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Luke S. Wassum  
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